

EXHIBIT 34

BOIES, SCHILLER & FLEXNER LLP
RICHARD J. POCKER (NV Bar No. 3568)
300 South Fourth Street, Suite 800
Las Vegas, NV 89101
Telephone: (702) 382-7300
Facsimile: (702) 382-2755
rpocker@bsflp.com

BOIES, SCHILLER & FLEXNER LLP
STEVEN C. HOLTZMAN (*pro hac vice*)
FRED NORTON (*pro hac vice*)
KIERAN P. RINGGENBERG (*pro hac vice*)
1999 Harrison Street, Suite 900
Oakland, CA 94612
Telephone: (510) 874-1000
Facsimile: (510) 874-1460
sholtzman@bsflp.com
fnorton@bsflp.com
kringgenberg@bsflp.com

Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc., and Oracle International
Corporation

BINGHAM MCCUTCHEN LLP
GEOFFREY M. HOWARD (*pro hac vice*)
THOMAS S. HIXSON (*pro hac vice*)
KRISTEN A. PALUMBO (*pro hac vice*)
BREE HANN (*pro hac vice*)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286
geoff.howard@bingham.com
thomas.hixson@bingham.com
kristen.palumbo@bingham.com
bree.hann@bingham.com

DORIAN DALEY (*pro hac vice*)
DEBORAH K. MILLER (*pro hac vice*)
JAMES C. MAROULIS (*pro hac vice*)
ORACLE CORPORATION
500 Oracle Parkway
M/S 5op7
Redwood City, CA 94070
Telephone: 650.506.4846
Facsimile: 650.506.7114
dorian.daley@oracle.com
deborah.miller@oracle.com
jim.maroulis@oracle.com

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, Inc., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**ORACLE INTERNATIONAL
CORPORATION'S SECOND
AMENDED REQUESTS FOR
ADMISSION NOS. 239-240 TO
RIMINI STREET, INC.**

PROPOUNDING PARTY: Plaintiff Oracle International Corp.

RESPONDING PARTY: Defendant Rimini Street, Inc.

Pursuant to Federal Rules of Civil Procedure 26 and 36, Plaintiff Oracle International Corp. (“Oracle”) hereby requests that Defendant Rimini Street, Inc., answer the following amended requests for admission.

I. DEFINITIONS AND INSTRUCTIONS

1. The term “Complete or Partial Copy” shall refer to a copy of all or a portion of Oracle Enterprise Software containing a substantial portion of the protected expression for a corresponding copyright registration alleged by Oracle in its Second Amended Complaint, Dkt. 146.

2. The term “Environment” shall refer to a Complete or Partial Copy of Oracle Enterprise Software created by installing that software from Installation Media or by copying an existing Environment.

3. The term “Oracle Enterprise Software” shall refer to Oracle’s J.D. Edwards-branded, PeopleSoft-branded, and Siebel-branded enterprise Software and Support Materials.

4. The term “Software and Support Materials” shall refer to software applications, program updates, software updates, bug fixes, patches, custom solutions, and/or instructional and knowledge base documents for any families of software products provided by Oracle.

5. The phrase “more than a *de minimis* or trivial amount of protectable expression” shall refer to the relevant discussion in *Newton v. Diamond*, 388 F.3d 1189, 1192-93 (9th Cir. 2003).

6. The use of a verb in any tense shall be construed as the use of that verb in all other tenses.

II. REQUESTS FOR ADMISSION

REQUEST NO. 239:

For the Environments identified as items 1-360 in column A of Exhibit B, admit that each Environment listed in column B embodies a substantial portion of the protected expression of each of the registered copyrights listed in column C.

RESPONSE:

Rimini objects to this Request as overly broad and unduly burdensome as it requires 360 separate admissions under the guise of a single request. Rimini also objects to the extent this Request calls for a legal conclusion, and to the extent it requires expert opinion.

Subject to and without waiver of the foregoing general and specific objections as well as Rimini's defenses of license, estoppel and waiver and Oracle's course of conduct: Rimini admits that the Environments listed as items 1-6, 8-268, 270-280, 282-285, 287-317, 319-322, 324-333, 335-336, 338-355, 357-360 in the second column of Exhibit B embodies a substantial portion of the protected expression of the corresponding registered copyright(s) listed in the third column of Exhibit B. For the remaining listed Environments, Rimini denies this request.

AMENDED REQUEST NO. 239:

For the Environments identified as items 1-452 in column A of Amended Exhibit B, admit that each Environment listed in column B embodies a substantial portion of the protected expression of each of the registered copyrights listed in column C.

RESPONSE TO AMENDED REQUEST NO. 239:

Rimini objects to this Request as overly broad and unduly burdensome as it requires 452 separate admissions under the guise of a single request. Rimini also objects to the extent this Request calls for a legal conclusion, and to the extent it requires expert opinion.

Subject to and without waiver of the foregoing general and specific objections as well as Rimini's defenses of license, estoppel and waiver and Oracle's course of conduct: Rimini admits that the Environments listed as items 1-280, 282-285, 287-322, 324-333, 335-336, 338-452 in the second column of Amended Exhibit B embodies a substantial portion of the protected expression of the corresponding registered copyright(s) listed in the third column of Amended Exhibit B. For the remaining listed Environments, Rimini denies this request.

SECOND AMENDED REQUEST NO. 239:

For the Environments identified as items 1-468 in column A of Amended Exhibit B, admit that each Environment listed in column B embodies a substantial portion of the protected expression of each of the registered copyrights listed in column D.

1 REQUEST NO. 240:

2 For the Environments identified as items 1-360 in column A of Amended Exhibit B, admit
 3 that each Environment listed in column B embodies more than a *de minimis* or trivial amount of
 4 protectable expression from each of the registered copyrights listed in column C.

5 RESPONSE:

6 Rimini objects to this Request as overly broad and unduly burdensome as it requires 360
 7 separate admissions under the guise of a single request. Rimini Street further objects to this request
 8 as improper under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks
 9 an admission on the legal significance of the term “more than a *de minimis* or trivial amount of
 10 protectable expression.”

11 Subject to and without waiver of the foregoing general and specific objections as well as
 12 Rimini’s defenses of license, estoppel and waiver and Oracle’s course of conduct: Rimini admits
 13 that the Environments listed as items 1-6, 8-268, 270-280, 282-285, 287-317, 319-322, 324-333,
 14 335-336, 338-355, 357-360 in the second column of Exhibit B embodies a substantial portion
 15 of the protected expression of the corresponding registered copyright(s) listed in the third column
 16 of Exhibit B. For the remaining listed Environments, Rimini denies this request.

17 AMENDED REQUEST NO. 240:

18 For the Environments identified as items 1-452 in column A of Amended Exhibit B, admit
 19 that each Environment listed in column B embodies more than a *de minimis* or trivial amount of
 20 protectable expression from each of the registered copyrights listed in column C.

21 RESPONSE TO AMENDED REQUEST NO. 240:

22 Rimini objects to this Request as overly broad and unduly burdensome as it requires 452
 23 separate admissions under the guise of a single request. Rimini Street further objects to this request
 24 as improper under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks
 25 an admission on the legal significance of the term “more than a *de minimis* or trivial amount of
 26 protectable expression.”

27 Subject to and without waiver of the foregoing general and specific objections as well as
 28 Rimini’s defenses of license, estoppel and waiver and Oracle’s course of conduct: Rimini admits

1 that the Environment listed as items 1-280, 282-285, 287-322, 324-333, 335-336, 338-452 in the
2 second column of Amended Exhibit B embodies a substantial portion of the protected expression of
3 the corresponding registered copyright(s) listed in the third column of Amended Exhibit B. For the
4 remaining listed Environments, Rimini denies this request.


5 **SECOND AMENDED REQUEST NO. 240:**

6 For the Environments identified as items 1-468 in column A of Amended Exhibit B, admit
7 that each Environment listed in column B embodies more than a *de minimis* or trivial amount of
8 protectable expression from each of the registered copyrights listed in column D.

9
10 DATED: February 21, 2012

Bingham McCutchen LLP

11
12 By: _____


Thomas S. Hixson
Attorneys for Plaintiffs
Oracle USA, Inc., Oracle America, Inc., and
Oracle International Corporation

PROOF OF SERVICE

I am over eighteen years of age, not a party in this action, and employed in San Francisco County, California at Three Embarcadero Center, San Francisco, California 94111-4067. I am readily familiar with the practice of this office for collection and processing of correspondence for email/fax/hand delivery, and they are transmitted/processed that same day in the ordinary course of business.

Today I served the foregoing document:

**ORACLE INTERNATIONAL CORPORATION'S AMENDED
REQUESTS FOR ADMISSION NOS. 239-240 TO RIMINI
STREET, INC.**


☒ (BY ELECTRONIC MAIL) by transmitting via electronic mail document(s) in portable document format (PDF) listed below to the email address set forth below on this date.

☐ (BY FACSIMILE)) by transmitting via electronic mail document(s) in portable document format (PDF) listed below to the facsimile address set forth below on this date.

☐ (PERSONAL SERVICE) by causing a true and correct copy of the above documents to be hand delivered in sealed envelope(s) with all fees fully paid to the person(s) at the address(es) set forth below.

Robert H. Reckers, Esq.
SHOOK, HARDY & BACON LLP
600 Travis Street, Suite 1600
Houston, Texas 77002
Telephone: (713) 227-8008
Facsimile: (713) 227-9508
rreckers@shb.com

I hereby certify that I am employed in the office of a member of the State Bar of California, admitted *pro hac vice* to practice before the United States District Court for the District of Nevada for this case, at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Certificate of Service is true and correct and that this declaration was executed on February 21, 2012 at San Francisco, California.


Shirlyn Kim